

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PROVEN NETWORKS, LLC.,

Plaintiff,

v.

NETAPP, INC.,

Defendant.

Case Nos. 6:20-cv-00369-ADA, WA:20-MC-02959-ADA

JURY TRIAL DEMANDED

AGREED MOTION TO AMEND SCHEDULING ORDER

Plaintiff Proven Networks, LLC, jointly with Defendant NetApp, Inc., respectfully asks the Court to enter the proposed schedule in this case based on the agreement reached between the parties. The requested extension is necessary as a result of trial conflicts for Proven's counsel as well as other scheduling conflicts with scheduling the depositions of the parties' experts.

Further, to the extent this Motion seeks to move deadlines for which good cause must be shown, *i.e.* to the extent this Court interprets the Motion to amend the deadlines given by the default schedule in the OGP, Dkt. No. 26, Case No. 6:20-cv-00369-ADA, good cause exists and the relief sought is not for the purposes of delay. Specifically, counsel for Proven has significant scheduling conflicts relating to trial which has resulted in scheduling difficulties for the experts. Additionally, the schedules of the various experts has also resulted in difficulties scheduling the required depositions. Moreover, this case has been transferred to the Northern District of California for trial. Dkt. 61.

Therefore, Proven and NetApp respectfully request that the Court enter the Amended Proposed Schedule Order, attached hereto as Exhibit A.

Dated: February 4, 2022

Respectfully submitted,

/s/ Steven Udick

Reza Mirzaie (CA SBN 246953)
rmirzaie@raklaw.com
Marc A. Fenster (CA SBN 181067)
Email: mfenster@raklaw.com
Brian D. Ledahl (CA SBN 186579)
Email: bledahl@raklaw.com
Benjamin T. Wang (CA SBN 228712)
Email: bledahl@raklaw.com
Paul A. Kroeger (SBN 229074)
pkroeger@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Phone: (310) 826-7474

Steven Udick (TX Bar No. 24079884)
Email: sudick@raklaw.com
RUSS AUGUST & KABAT
5570 FM 423, Suite 250-2069
Frisco, TX 75034
Phone: (310) 826-7474

***Attorneys for Plaintiff Proven Networks,
LLC***

/s/ Carrie Williamson (with permission)

John Guaragna (Bar No. 24043308)
DLA PIPER LLP (US)
303 Colorado St., Suite 3000
Austin, TX 78701
Telephone: (512) 457-7000
Facsimile: (512) 457-7001
john.guaragna@us.dlapiper.com

Mark D. Fowler (*Pro Hac Vice*)
Clayton Thompson (*Pro Hac Vice*)
Carrie Williamson (*Pro Hac Vice*)
Sangwon Sung (*Pro Hac Vice*)
Monica de Lazzari (*Pro Hac Vice*)
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, California 94303-2214
Telephone: (650) 833-2000
Facsimile: (650) 833-2001

Attorneys for Defendant NetApp, Inc.

CERTIFICATE OF SERVICE

I certify that on February 4, 2022, a true and correct copy of the foregoing document was electronically filed with the Court and served on all parties of record via the Court's CM/ECF system.

Dated: February 4, 2022

Respectfully submitted,

/s/ Steven Udick
Steven Udick